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Docket No GI 005324 C1
Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title of Application of: **SEEHRA et al.**
Application No.: **10/075,079** Group Art No.: **1626**
Filed: **February 12, 2002** Examiner: **Sonyan Wright**
For: **INHIBITORS OF PHOSPHOLIPASE ENZYMES**
Confirmation No.: **7974**
Customer Number: **25291**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

January 9, 2004

Sir:

PETITION PURSUANT TO 37 C.F.R. 1.153 AND 1.182

This is a Petition to change the May 8, 2002 filing date which the United States Patent and Trademark Office has granted to US Serial No. 10/075,079 to February 12, 2002.

The US Patent and Trademark Office records correctly show that Applicants filed the instant specification on February 12, 2002 with page 220 omitted, and the application was complete in every other respect. Page 220 was part of a dependent claim, and its omission did not result in the omission of any material subject matter. The US Patent and Trademark Office sent Applicants a Notice of Omitted Item(s) In A Nonprovisional Application ("the Notice") dated April 23, 2002, which Notice informed Applicants of the omission of page 220. A copy of the Notice is attached hereto.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 311410906 US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date

January 12, 2004

Cecilia Chessell
Cecilia Chessell

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The Notice provided Applicants with three options:

- I. Provide evidence that the omitted item(s) was in fact deposited;
- II. supply the omitted item(s) and accept the date that such omitted item(s) was filed, along with a copy of the Notice, and a petition under 37 C.F.R. 1.182; or
- III. do neither I nor II and accept the application as deposited maintaining the original filing date.

The last paragraph of the Notice required an Applicant electing Option III to amend the application to cure any partial sentences caused by the omission.

Applicants wanted to keep the February 12, 2002 filing date and elected to use Option III. Applicants did not send a copy of the Notice, a petition, and the omitted page to the US Patent and Trademark Office. In accordance with the language of the Notice, Applicants constructively elected Option III by not performing the acts necessary for Options I or II.

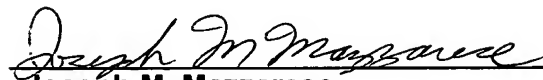
Also in accordance with the language of the Notice relating to Option III, Applicants corrected the incomplete sentence of claim 7 by a Preliminary Amendment filed May 8, 2002. Applicants' amendment to add the missing portion of claim 7 was properly based on the disclosure of the specification as originally filed on February 12, 2002. The US Patent and Trademark Office erroneously interpreted this Preliminary Amendment as an Option II response, despite the fact that there was no indication that Applicants intended to do so, and Applicants did not fulfill the requirements for Option II; a copy of the Notice and a Petition were not sent with the Preliminary Amendment.

Applicants have always wanted and intended that the application be accorded a filing date of February 12, 2002.

In view of the foregoing facts, it is clear that the US Patent and Trademark Office misconstrued the effect of the Preliminary Amendment and improperly changed the filing date of the application from February 12, 2002 to May 8, 2002. Applicants respectfully petition the Commissioner to change the filing date back to February 12, 2002.

Please charge the \$130 petition fee, and any other fee due herewith, to Deposit
Account No. 01-1425.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joseph M. Mazzaresse", is written over a horizontal line.

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